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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AMERICAN CASINO AND
ENTERTAINMENT PROPERTIES, LLC, a
Delaware limited liability company,

Plaintiff,

v.

MODERN HOUSING, LLC, a Washington
limited liability company,

Defendant.

Case No. 2:11-cv-00222-JCM -LRL

ORDER

Presently before the Court is Defendant Modern Housing, LLC's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and/or 12(c) (Doc. # 9), filed on May 20, 2011. Plaintiff American Casino and Entertainment Properties, LLC filed an opposition (Doc. #19) on June 20, 2011. Defendant filed a reply (Doc. #22) on July 7, 2011.

The motion came on for hearing before the Honorable James C. Mahan on September 21, 2011, at 10:00 a.m.

After consideration of the pleadings and papers on file, and the oral arguments by counsel, and for the reasons stated in court,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to dismiss is GRANTED without prejudice.

ORDER

IT IS SO ORDERED.

DATED this 19th day of October, 2011.


UNITED STATES DISTRICT JUDGE

Submitted by:
JOLLEY URGAL WIRTH WOODBURY & STANDISH

By: /s/ William R. Urga
WILLIAM R. URGAL, ESQ.
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CERTIFICATE OF SERVICE

This will hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is that of Jolley Urga Wirth Woodbury & Standish, 3800 Howard Hughes Parkway, Suite 1600, Las Vegas, Nevada 89169.

This is to certify that on October 13th, 2011, I electronically filed the **PROPOSED ORDER** with the Clerk of Court using the CM/ECF system, which will cause the document to be served upon the following counsel of record:

Michael J. McCue
Jonathan W. Fountain
LEWIS AND ROCA LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169

I certify under penalty of perjury that the foregoing is true and correct, and that this Certificate of Service was executed by me on October 13th, 2011 at Las Vegas, Nevada.

/s/ Kelly McGee

An Employee of JOLLEY URG WIRTH
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